

Interview Summary	Application No. 10/776,181	Applicant(s) VANDERPOL ET AL.	
	Examiner Erica E Cadugan	Art Unit 3722	

All participants (applicant, applicant's representative, PTO personnel):

(1) Erica E Cadugan. (3)_____.

(2) Justin Cassell. (4)_____.

Date of Interview: 08 November 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: 1-12.

Identification of prior art discussed: U.S. Pat. No.'s 6,494,307, 4,570,542, 4,297,061, 3,722,497, 3,010,352, 2,921,492, 4,422,384.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner proposed the attached Examiner's Amendment. However, Applicant was unable to provide a response on the acceptability of the proposal within the time frame required by the examiner.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

ATTACHMENT TO INTERVIEW

Technology Center 3700 Facsimile Transmittal

SUMMARY

DATE: 11/4/04

TO: Justin Cassell

FAX: (703) 683-1080 PHONE: (703) 683-0500

SERIAL NO: 10/776,181 ATTY. DK#: VAND 3023/JEK/JTC

FROM: ERICA CADUGAN VOICE MAIL NO. (703) 308-6395 AU: 3722

FAX NUMBERS:

(PLEASE FAX PAPERS TO THE NUMBER INDICATED BELOW)

FORMAL PAPERS

703-305-9579/3580 872-9306

DRAFT PAPERS

703-308-7769 703-308-7768 703-305-9835

NOTES: PLEASE INDICATE WHETHER REPLY IS A FORMAL OR DRAFT AMENDMENT

COMMENTS: proposed Ex. Amdt.

Please let me know if there are
any questions

OF PAGES: 6
(INCLUDING COVER SHEET)

ATTACHMENT TO INTERVIEW SUMMARY

Proposed EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with

*** on ***.

The application has been amended as follows:

Claim 1 (Currently Amended). A cutting tool and track system, comprising:

at least one track element configured to be attached to a surface of a workpiece, the track element including a track member and a rack member supported along the longitudinal length of the track member and defining a transport path;

a carriage assembly configured to ride along and to be guided and supported by the track element;

a carriage drive mechanism arranged to drivingly engage the carriage assembly and to drive the carriage assembly along the track element;

a cutting tool assembly carried by the carriage assembly, the cutting tool assembly including a cutting tool arranged to be rotated about a longitudinal axis and to be fed both along its axis of rotation and transversely of its axis of rotation for cutting a workpiece through a wall thickness of the workpiece; and

a tool driving system connected to and arranged to transmit rotary input motion to the cutting tool;

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and wherein the carriage assembly includes at least one bearing that is spring-biased into contact with the track member and that is adjustable to act as either a bearing against the track member or a carriage assembly fixation device against the track member.

Alternatively, instead of incorporating the claim language proposed by the examiner as set forth above, all of the limitations from claim 5 could be incorporated into independent claim 1.

Non-elected claims 11-12 have been canceled.

Note: If the above changes are acceptable, a detailed analysis with respect to 35 USC 112 of the remainder of the dependent claims would be performed, and further minor changes to those claims would likely be necessary at that time (at least possibly as a result of any changes made to the independent claim).

With respect to the prior art, it is noted that there are quite a number of references in the prior art involving a track secured to a workpiece and having a cutting tool carriage that is movable along a rack of that track. Examples of such include U.S. Pat. No.'s 6,494,307, 4,570,542, and 4,297,061, cited by Applicant, as well as U.S. Pat. No.'s 3,722,497, 3,010,352, 2,921,492, and 4,422,384, to name a few.

For example, with respect to U.S. Pat. 4,297,061 cited by Applicant, 3 is the workpiece (see Figures 2 and 6). Track element including track member 72 having a rack 88 is attached to the workpiece (see Figures 2 and 6, for example). Carriage assembly, including milling machine 85, rides along and is supported by the track 72 (see Figures 2 and 6, also col. 4, lines 35-48 and

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especially lines 42-45) via the driving of a motor-driven gear that cooperates with the “rack” 88 (see Figure 6, also col. 4, lines 42-45). Additionally note that 87 is a rotary milling cutter head that rotates a milling cutter 90 (col. 4, lines 35-48, Figure 6). Further note that ‘061 explicitly teaches that the cutting machine 85 includes means for enabling vertical adjustment and horizontal adjustment of the rotary milling cutter head 87 towards and away from the workpiece 3 (see col. 4, lines 39-42), and thus ‘061 teaches that the cutting tool assembly is arranged to be “fed both along its axis of rotation and transversely of its axis of rotation” as claimed. (Additionally note that the motion of the cutter head 87 along the track 72 constitutes transverse movement as well).

Re claim 2, note that ‘061 teaches “supports” including 63 and “securing elements” such as 61, 62, and/or 55 (see Figures 2 and 6 and col. 3, lines 56-59, for example).

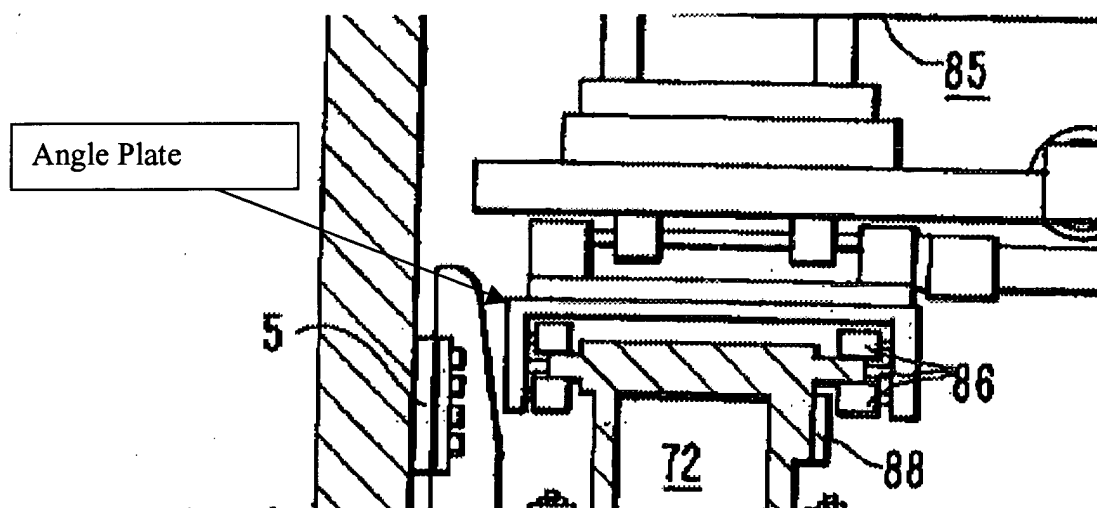
Regarding claims 3-4, note that 55 or 61 constitute a “plate” as claimed, and that stud bolts 62 constitute the “studs” as claimed. Specifically re claim 4, note that the “studs” 62 are “supported on” the workpiece via brackets 61 (Figures 2, 6, and col. 3, lines 56-59).

Re claim 6, note that guide rolls 86 (Figure 6, col. 4, lines 35-39) act as “cam followers” as claimed, and that they are considered “adjustable” as claimed, in that they are inherently “able” to be adjusted via using a tool to remove them and “adjust” them to a different location, for example.

Re claim 7, note that the member indicated in the partial reproduction of Figure 6 below has two downwardly extending legs connected to a horizontal platform, and can thus be considered an “angle plate” as claimed. Note that the cutting tool assembly is supported along

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the horizontal platform portion, and that the vertical sides are “supported to the carriage assembly” as claimed.



Re claim 9, see col. 4, lines 12-27, for example.

Re claim 10, if the described milling cutter wasn't an end mill, it wouldn't be able to function as described in col. 4, lines 35-48 and as shown in Figure 6.

Thus, '061, cited by applicant, is applicable under 35 USC 102 to claims 1-4, 6-7, and 9-10.

Further, Examiner notes that U.S. Pat. No. 3,010,352 teaches a similar configuration with a track 34 having serrated teeth thereon being mounted to a workpiece (Figures 1-2) and having a rotary cutter 48 that is mounted on an assembly for movement around the track. Note that spring 94 serves to bias the carriage assembly into contact with the track. However, the spring is not adjustable to act as a carriage assembly fixation device against the track.

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'352 is merely exemplary, but note that there are other references wherein a tool carriage is spring biased into contact with a guide rail mounted on a workpiece.